

AMENDED IN SENATE JUNE 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1839

Introduced by Assembly Member Ma

February 22, 2012

An act to amend Sections 4826, 4826.2, 4833, 4836, 4836.1, 4836.5, 4840, 4840.2, 4840.7, and 4840.9 of the Business and Professions Code, relating to veterinary medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 1839, as amended, Ma. Veterinary medicine: veterinary assistants.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board. The act also permits unregistered assistants to carry out specified acts in the veterinary care and treatment of animals, and authorizes the board to regulate the veterinary care activities of unregistered assistants.

This bill would instead refer to unregistered assistants as veterinary assistants throughout the act.

Existing law authorizes, until January 1, 2013, a registered veterinary technician and an unregistered assistant to administer a drug, including, but not limited to, a drug that is a controlled substance, except for the induction of anesthesia, under specified circumstances.

This bill would make these provisions operative indefinitely, and would authorize veterinary assistants to administer a controlled substance only if specified requirements are satisfied, including completion of a fingerprinting background check. The bill would also

authorize the board to limit veterinary assistants' access to specified dangerous drugs, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4826 of the Business and Professions
- 2 Code is amended to read:
- 3 4826. A person practices veterinary medicine, surgery, and
- 4 dentistry, and the various branches thereof, when he or she does
- 5 any one of the following:
- 6 (a) Represents himself or herself as engaged in the practice of
- 7 veterinary medicine, veterinary surgery, or veterinary dentistry in
- 8 any of its branches.
- 9 (b) Diagnoses or prescribes a drug, medicine, appliance,
- 10 application, or treatment of whatever nature for the prevention,
- 11 cure, or relief of a wound, fracture, bodily injury, or disease of
- 12 animals.
- 13 (c) Administers a drug, medicine, appliance, application, or
- 14 treatment of whatever nature for the prevention, cure, or relief of
- 15 a wound, fracture, bodily injury, or disease of animals, except
- 16 where the medicine, appliance, application, or treatment is
- 17 administered by a registered veterinary technician or a veterinary
- 18 assistant at the direction of and under the direct supervision of a
- 19 licensed veterinarian subject to Article 2.5 (commencing with
- 20 Section 4832) or where the drug, including, but not limited to, a
- 21 drug that is a controlled substance, is administered by a registered
- 22 veterinary technician or a veterinary assistant pursuant to Section
- 23 4836.1. However, no person, other than a licensed veterinarian,
- 24 may induce anesthesia unless authorized by regulation of the board.
- 25 (d) Performs a surgical or dental operation upon an animal.
- 26 (e) Performs any manual procedure for the diagnosis of
- 27 pregnancy, sterility, or infertility upon livestock or Equidae.
- 28 (f) Uses any words, letters, or titles in such connection or under
- 29 such circumstances as to induce the belief that the person using
- 30 them is engaged in the practice of veterinary medicine, veterinary
- 31 surgery, or veterinary dentistry. This use shall be prima facie
- 32 evidence of the intention to represent himself or herself as engaged

1 in the practice of veterinary medicine, veterinary surgery, or
2 veterinary dentistry.

3 SEC. 2. Section 4826.2 of the Business and Professions Code
4 is amended to read:

5 4826.2. Notwithstanding any other provision of law, a
6 veterinarian, registered veterinary technician, or a veterinary
7 assistant working under the supervision of a veterinarian, may
8 provide veterinary care and treatment for any animal restricted
9 pursuant to Section 2118 of the Fish and Game Code. A
10 veterinarian, registered veterinary technician, or a veterinary
11 assistant working under the supervision of a veterinarian, may
12 lawfully possess one or more of the animals only for the period of
13 time that, in his or her judgment, veterinary care and treatment are
14 necessary. No veterinarian, registered veterinary technician, or
15 veterinary assistant working under the supervision of a veterinarian,
16 has a duty to advise law enforcement if he or she becomes aware
17 that one or more of the animals is possessed in the state. For the
18 purposes of this section, “veterinary care and treatment” does not
19 include boarding when no veterinary care or treatment is required.

20 SEC. 3. Section 4833 of the Business and Professions Code is
21 amended to read:

22 4833. (a) The committee shall advise and may assist the board
23 in the examination of applicants for veterinary technician
24 registration. The examination shall be held at least once a year at
25 the times and places designated by the board.

26 (b) The committee may investigate and evaluate each applicant
27 applying for registration as a registered veterinary technician and
28 may recommend to the board for final determination the admission
29 of the applicant to the examination and eligibility for registration.

30 (c) The committee may make recommendations to the board
31 regarding the establishment and operation of the continuing
32 education requirements authorized by Section 4838 of this article.

33 (d) The committee shall advise and may assist the board in the
34 inspection and approval of all schools or institutions offering a
35 curriculum for training registered veterinary technicians.

36 (e) The committee may advise and assist the board in developing
37 regulations to establish animal health care tasks and the appropriate
38 degree of supervision required for those tasks for registered
39 veterinary technicians and for veterinary assistants.

(f) The committee may advise and assist the board in developing regulations to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

(g) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 4836 of the Business and Professions Code is amended to read:

4836. (a) The board shall adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician or a licensed veterinarian.

(b) The board also may adopt regulations establishing animal health care tasks that may be performed by a veterinary assistant as well as by a registered veterinary technician or a licensed veterinarian. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over a veterinary assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.

(c) The board may adopt regulations, as needed, to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

SEC. 5. Section 4836.1 of the Business and Professions Code is amended to read:

4836.1. (a) Notwithstanding any other provision of law, a registered veterinary technician or a veterinary assistant may administer a drug, including, but not limited to, a drug that is a controlled substance, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

(b) Access to controlled substances by veterinary assistants under this section is limited to persons who have ~~completed a state and federal fingerprinting~~ *undergone a background check* and who, *to the best of the managing licensee's knowledge*, do not have any drug or alcohol related felony convictions. ~~The results of the background check shall be retained in the personnel records of the employer and made available to the Veterinary Medical Board and the Department of Justice, upon their request.~~

(c) Notwithstanding subdivision (b), if the Veterinary Medical Board, in consultation with the Board of Pharmacy, identifies a dangerous drug, as defined in Section 4022, as a drug which has an established pattern of being diverted, the Veterinary Medical Board may restrict access to that drug by veterinary assistants.

(d) For purposes of this section, the following definitions apply:

(1) "Controlled substance" has the same meaning as that term is defined in Section 11007 of the Health and Safety Code.

(2) "Direct supervision" has the same meaning as that term is defined in subdivision (e) of Section 2034 of Title 16 of the California Code of Regulations.

(3) "Drug" has the same meaning as that term is defined in Section 11014 of the Health and Safety Code.

(4) "Indirect supervision" has the same meaning as that term is defined in subdivision (f) of Section 2034 of Title 16 of the California Code of Regulations.

SEC. 6. Section 4836.5 of the Business and Professions Code is amended to read:

4836.5. The board shall take action pursuant to Article 4 (commencing with Section 4875) of this chapter against any veterinarian licensed or authorized to practice in this state who permits any registered veterinary technician or veterinary assistant to perform any animal health care services other than those allowed by this article.

SEC. 7. Section 4840 of the Business and Professions Code is amended to read:

4840. (a) Registered veterinary technicians and veterinary assistants are approved to perform those animal health care services prescribed by law under the supervision of a veterinarian licensed or authorized to practice in this state.

(b) Registered veterinary technicians may perform animal health care services on those animals impounded by a state, county, city,

1 or city and county agency pursuant to the direct order, written
2 order, or telephonic order of a veterinarian licensed or authorized
3 to practice in this state.

4 (c) Registered veterinary technicians may apply for registration
5 from the federal Drug Enforcement Administration that authorizes
6 the direct purchase of sodium pentobarbital for the performance
7 of euthanasia as provided for in subdivision (d) of Section 4827
8 without the supervision or authorization of a licensed veterinarian.

9 SEC. 8. Section 4840.2 of the Business and Professions Code
10 is amended to read:

11 4840.2. Registered veterinary technicians and veterinary
12 assistants shall not perform the following health care services:

13 (a) Surgery.

14 (b) Diagnosis and prognosis of animal diseases.

15 (c) Prescribing of drugs, medicine, and appliances.

16 SEC. 9. Section 4840.7 of the Business and Professions Code
17 is amended to read:

18 4840.7. (a) A registered veterinary technician who has been
19 examined by the board in the area of radiation safety and techniques
20 may operate radiographic equipment under the indirect supervision
21 of a licensed veterinarian.

22 (b) (1) A veterinary assistant who has been trained in the area
23 of radiation safety and techniques may operate radiographic
24 equipment under the direct supervision of a registered veterinary
25 technician or a licensed veterinarian.

26 (2) The responsible managing licensee of a veterinary premises
27 shall maintain records of the training described in paragraph (1).
28 A veterinary assistant for whom records of this training do not
29 exist shall not operate radiographic equipment.

30 (3) The training records described in paragraph (2) shall be
31 made available to the board upon request and at the time of any
32 inspection of the veterinary premises.

33 SEC. 10. Section 4840.9 of the Business and Professions Code
34 is amended to read:

35 4840.9. Registered veterinary technicians and veterinary
36 assistants may be employed by any veterinarian licensed or
37 authorized to practice in this state or by any governmental agency
38 which employs veterinarians. However, the employer must be fully

- 1 aware of the provisions of this article as stated by regulations
- 2 adopted by the board pursuant to Section 4836.

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